

REMARKS

Summary of Office Action

Claims 28-35 and 37-41 are pending in the above-identified patent application.

The Examiner rejected claims 28, 30 and 31 under 35 U.S.C. § 102(e) as being unpatentable over Lesh et al. U.S. Patent No. 6,152,144 (hereinafter, "Lesh").

The Examiner rejected claims 28-35 and 37-41 under 35 U.S.C. § 103(a) as being unpatentable over Lesh in view of Stevens et al. U.S. Patent No. 5,797,960 (hereinafter, "Stevens").

Summary of Applicants' Reply

Applicants would like to thank the Examiner for courtesies extended during telephonic interviews, which are summarized below, on July 1 and 21, 2004.

Applicants have amended the specification to identify patents and an application publication that have issued from, or have been published in connection with, applications cited in the specification.

Applicants have amended claim 28 as discussed with the Examiner during the July 21 interview.

Summary of Interviews

On July 1, 2004, the Examiner and the undersigned discussed claim 28 and Lesh FIG. 21. On July 21, 2004, the Examiner and the undersigned discussed an amendment proposed by applicants in a July 8, 2004 facsimile. The Examiner and the undersigned agreed that the invention defined by proposed amended claim 28 is not anticipated by Lesh.

Applicants' Reply to the Rejections Under 35 U.S.C. § 102(e)

Claims 28, 30 and 31 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Lesh. Claim 28 is independent and claims 30 and 31 depend indirectly from claim 28. Applicants have amended claim 28 as proposed on July 8 to require "releasing said device" at "a position" (see claim 28, ln. 22) within an atrial appendage. Applicants respectfully submit that Lesh does not show or suggest "releasing said device" at a position within an atrial appendage and that, therefore, the amendment of claim 28 overcomes the rejections of claims 28, 30 and 31 over Lesh. No new matter was introduced by the amendment of claim 28.

Applicants' Reply to the
Rejections Under 35 U.S.C. § 103

Claims 28-35 and 37-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lesh in view of Stevens. Claim 28 is independent and claims 29-35 and 37-41 depend directly or indirectly from claim 28. As discussed above, Lesh does not show or suggest "releasing said device" at "a position" within an atrial appendage. Applicants respectfully submit that Stevens does not make up for the shortcomings in Lesh and that, therefore, the amendment of claim 28 overcomes the rejections of claims 28-35 and 37-41 over Lesh in view of Stevens.

Conclusion

For at least the reasons set forth above, applicants respectfully submit that amended claim 28 and claims 29-35 and 37-41 are patentable and that this application is in condition for allowance. Reconsideration

and prompt allowance of this application are respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'E. Arons', written over a horizontal line.

Edward M. Arons (Reg. No. 44,511)

Agent for applicants

FISH & NEAVE

Customer No. 1473

1251 Avenue of the Americas

New York, New York 10020-1105

Tel.: (212) 596-9000

Fax: (212) 596-9090